

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
ALBANY DIVISION

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*In re:*

**Case No.: 13-12544**

**L&A Automotive Center, Inc.,**

**Chapter 11**

*Debtor.*  
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***Ex Parte Application for  
Order Dismissing Case with Prejudice***

TO: HON. ROBERT E. LITTLEFIELD, JR.,  
CHIEF UNITED STATES BANKRUPTCY JUDGE

William K. Harrington, the United States Trustee for Region 2 ("United States Trustee"),  
by and through counsel, in furtherance of certain duties and responsibilities, pursuant to 28  
U.S.C. § 586(a)(3) and (5), respectfully submits this *ex parte* application for the entry of an order  
dismissing this case with prejudice, in compliance with the prior *Final Conditional Order  
Dismissing Case with Prejudice*, entered on May 9, 2014 (Doc. No. 50).

In support of this *ex parte* application, the United States Trustee respectfully represents  
and alleges as follows:

1. On April 3, 2014, a *Final Conditional Order Dismissing Case with Prejudice* was  
entered ("Final Conditional Order") (Doc. No. 50).
2. The Final Conditional Order has six requirements that the Debtor failed to comply  
with:

**ORDERED**, that the Debtor shall, by the close of business  
June 6, 2014, file with the Court a Small Business Disclosure  
Statement and Plan that complies with Official Form 25A and 25B,  
and it is further

**ORDERED**, that the Small Business Disclosure Statement  
and Plan to be filed shall include a provision requiring that the  
existing shares of stock in the Debtor shall be cancelled and new

shares shall be issued to the Debtor's Principal in exchange for the funds derived from the sale of his personal real estate, and it is further

**ORDERED**, that the Small Business Disclosure Statement and Plan to be filed shall include a provision that the effective date of the Plan shall not occur until after the funds derived from the sale of the Debtor's Principal's personal real estate is deposited into the Debtor-in-Possession bank accounts, and it is further

**ORDERED**, that the Debtor shall, by the close of business June 6, 2014, file with the Court an adversary proceeding complaint, pursuant to 11 U.S.C. § 547 to address an alleged preferential transfer, and it is further

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**ORDERED**, that the Debtor shall use the services of the accountant currently appointed to prepare all future monthly operating reports in this case, and it is further

**ORDERED**, that the Debtor shall remain current with the filing of monthly operating reports and payment of quarterly fees due pursuant to 28 U.S.C. § 1930(a)(6), within ten days of the respective due dates, until the case is converted to Chapter 7, dismissed or administratively closed.

3. None of the six requirements were accomplished.
4. On June 3, 2014, the Debtor filed a Disclosure Statement (Doc. No. 52) and a Plan (Doc. No. 53). The Disclosure Statement is not in compliance with Official Form 25B in that it fails to attach Exhibit B, Identity and Value of Material Assets of Debtor, Exhibit C, Pre-petition Financial Statements, Exhibit D, Most Recently Filed Post petition Operating Report, Exhibit F Cash on hand on the effective date of the Plan and Exhibit G, Projections of Cash Flow and Earnings for Post-Confirmation Period.
5. Neither the Disclosure Statement nor the Plan contain a provision stating that existing shares of stock in the Debtor shall be cancelled and new shares shall be issued to the Debtor's Principal in exchange for the funds derived from the sale of his personal real estate.

6. Neither the Disclosure Statement nor the Plan contain a provision setting the effective date of the Plan to a date after the funds derived from the sale of the Debtor's Principal's personal real estate in deposited into the Debtor-in-Possession bank accounts

7. No adversary proceeding has been filed in this case for any purpose.

8. The Debtor has not sought the appointment of any accountant or financial advisor.

9. The Debtor owes quarterly fees in the amount of \$1,626.79.

**WHEREFORE**, the United States Trustee respectfully requests that the attached proposed order be entered, dismissing this Chapter 11 case with prejudice against re-filing for one hundred eighty (180) days after the entry of the order dismissing this case.

Dated: Albany, New York  
June 10, 2014

Respectfully submitted,

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE  
FOR REGION 2

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